

**NEW HAMPSHIRE BOARD OF DENTAL EXAMINERS  
2 INDUSTRIAL PARK DRIVE  
CONCORD, NH 03301**

**MEETING MINUTES –November 5, 2007**

The November 5, 2007 meeting of the New Hampshire Board of Dental Examiners convened at 3:00 p.m. with the following members present:

Eliot L. Paisner, DMD, President  
Neil S. Hiltunen, DMD, Vice President  
Gerald A. Smith, DMD  
Marshall A. Baldassarre, DMD  
Linda M. Seedner, RDH  
Ronald J. Hrinda, DMD  
Stacy A. Plourde, RDH  
Charles F. Post, DMD

Absent: Hon. Vivian Desmarais, Public Member

The Board approved the minutes of October 1, 2007 as amended.

“Hearing - On a Request for Permit” – 3:45 p.m. Todd Pollack, DMD

Dr. Pollack applied for a permit to administer conscious sedation in his dental office. The Board denied the request because although Dr. Pollack had recently completed a survey course in conscious sedation, he had not completed a competency course. After his permit request was denied, Dr. Pollack asked for and was granted the opportunity to appear before the Board to answer any questions the Board may have about his qualifications.

The Board president, Dr. Paisner, explained to Dr. Pollack that his conscious sedation training did not meet the American Dental Association (ADA) guidelines as required by the Board’s administrative rule Den 304.02. The Board told Dr. Pollack that he would have to assist a New Hampshire licensed provider in the administration of conscious sedation to at least 3 dental patients to meet the ADA guidelines and receive a permit. Dr. Pollack agreed to do so. The hearing ended at 4:00 p.m.

Hearing – 4:00 p.m. – Amendments to Den 301.06 Board Fees

The Board held a public hearing pursuant to RSA 541-A to amend its fees in order to generate revenue in FY 08 and FY 09 equal to at least 125% of its direct operating expenses, as required by RSA 317-A:4 I (e). Application and registration fees

were last raised in 2003 when the Board's budget was \$196,000. The budget in FY 08 is \$286,000, a 46% increase since 2003. This is mostly due to inflationary increases in all budget classes, including personnel, benefits, rents, and OIT payments. The biennial registration fees of dentists in 2008 will also generate funds to establish a professional assistance program for dental hygienists and dentists as required by RSA 317-A:4. The notice of hearing mistakenly attributed all fee increases to this one program. Jan Farmer, RDH, President of the New Hampshire Dental Hygienists Association spoke against raising dental hygienist fees.

The Board's president closed the hearing at 4:25 p.m.

#### Show Cause Hearing – 4:35 p.m. – Chris U. Kim, DMD

The Board received an application for dental licensure from Dr. Kim on May 30, 2007. Dr. Kim's application was subsequently denied because he submitted fraudulent information. Dr. Kim requested an appeal of that decision.

The president of the Board, Dr. Eliot L. Paisner, as presiding officer commenced a show cause hearing pursuant to RSA 317-A:17, RSA 317-A: 18 and Dental Administrative Rules Den 206 and Den 210. The primary issue was whether Dr. Kim submitted a fraudulent application for licensure by denying that he had ever possessed a dental license that had been subject to disciplinary action.

Dr. Kim admitted that he did not truthfully complete his New Hampshire dental application when, in fact, he had been subjected to a disciplinary action by the Massachusetts Board of Registration in Dentistry for fraudulently using another dentists' provider number when seeking insurance payments.

Hearing counsel Katherine Cooper presented 3 witnesses and 5 exhibits. Dr. Kim testified on his own behalf and presented no exhibits.

The presiding officer, Dr. Paisner closed the hearing at 4:50 p.m.

#### Hearing – 5:00 p.m. – Kelly Fitzgibbons, DMD

The president of the Board, Dr. Eliot L. Paisner, acting as presiding officer commenced a public hearing pursuant to RSA 317-A:17, RSA 317-A:18 and Dental Administrative Rules Den 206 and Den 210. The allegations to be addressed were outlined in an Order of Emergency Suspension and Notice of Hearing, paragraph 6, A through D. Dr. Fitzgibbons admitted that the allegations were true. Hearing Counsel, Attorney Katherine Cooper, Esq therefore dismissed her witnesses with the exception of one witness who gave her testimony by speaker phone.

Dr. Fitzgibbons testified on her own behalf and presented no exhibits. Hearing Counsel presented one witness and 3 exhibits.

The presiding officer, Dr. Paisner closed the hearing at 5:30 p.m.

### **ADMINISTRATIVE**

#### **1. Statutes and Rules**

##### **a. Statutory Proposals**

- 1) The Board will request the deletion of the word “general” from a statutory proposal that would require general supervision of residents in residency programs. The Board would prefer to address supervision in its administrative rules. The Board is co-sponsor of this bill with the New Hampshire Dental Society.

##### **b. Rule Proposals**

- 1) Rules 2007-II (fees)-see hearing above.
- 2) Nitrous Administration by Hygienists – The Board will ask Donna Clougherty, Dental Auxiliaries Department Head, New Hampshire Technical Institute for her input into the drafting of a dental administrative rule. The rule, based on the American Dental Association guidelines for Teaching Pain Control, will delineate the training necessary for hygienists to qualify to administer nitrous oxide minimal sedation.

#### **2. Anesthesia/Sedation**

- a. Chicago – “What went wrong” – informational
- b. ADA Amended Guidelines – informational
- c. Conscious sedation office evaluations – The Board discussed possible changes to its anesthesia/sedation evaluating committees. The Board will seek input from members of the two committees.
- d. Evaluation schedule – informational
- e. Conscious sedation protocol – The Board will send a draft conscious sedation protocol, developed by an ad hoc Board committee, to the New Hampshire Dental Society and all conscious sedation permit holders for their input.

3. Infection Control – A question was received by the Board regarding infection control guidelines. In New Hampshire dentists are required to follow the current guidelines of the American Dental Association (ADA) “Infection Control Recommendations”. The guidelines are based on recommendations of the Center for Disease Control.

4. Sexual Boundaries – informational. The Board will ask its legal counsel for her opinion of this document received from the American Association of Dental Examiners.

5. Information Letter 2008 – This will be part of the Board’s biennial information packet. The Board suggested some topics for inclusion.

6. Informational

- a. N.E. School of Dental Assisting
- b. NH Oral Health Plan
- c. “Small Smiles” – The Board will determine who supervises this program.
- d. Sustenance
- e. Board Committees
- f. International Testing
- g. Emergency Preparedness
- h. Tolls
- i. David Knight, DMD
- j. Records of deceased patients
- k. Connecticut GPR licensure

## **QUALIFICATION AND LICENSURE**

1. Public Health Programs

The Board voted to accept the annual report of the following program:

Claremont Dental Initiative

2. Hygiene Applications Approved

Melissa A. Duclos, RDH  
Megan R. Horne, RDH  
Pratibha Chaturvedi, RDH  
Lisa A. Maudsley-Wood, RDH  
Jill M. St. Pierre, RDH  
Kathleen A. Eggleston, RDH  
Rebecca A. Cousins, RDH

7. Dental Applications Approved.

Brendan B. Chiou, DMD  
Todd J. Sheffler, DDS  
Hosseini Vaez, DMD  
Toby J. Clarkson, DMD

Leonard C. Miller, DMD  
Robert W. Elliott, DDS

Members of the Board voted unanimously unless otherwise indicated.

Members of the Board voted unanimously to go into non-public session for the purpose of discussing investigations of alleged licensee misconduct, noting that such a non-public session is authorized by RSA 91-A:3 and the Board's executive and deliberative privileges.

Raymond J. Jarvis, DMD  
Executive Secretary